

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America,

Plaintiff,

v.

Misael Garcia Carranza,

Defendant.

No. 1:20-cr-00044-KJM-BAM

ORDER

Defendant Misael Garcia Carranza pleaded guilty to one count of possessing fentanyl with the intent to distribute in violation of 21 U.S.C. §§ 841 and 846. *See* Plea Agreement at 2, ECF No. 94. The Probation Department prepared a presentence investigation report, which was finalized without defense objections. *See generally* PSR, ECF No. 102; Probation Memo, ECF No. 102-2. According to that report, defendant was previously convicted of entering the United States without proper immigration documents. *See* PSR at 8–9. That conviction led to a total criminal history score of one and a criminal history category of I. *See id.* at 9; Sentencing Recommendation at 1, ECF No. 102-1. The district judge assigned to the case at that time imposed a sentence of 168 months’ incarceration, the low end of the Guideline range, followed by a 36-month term of supervised release. *See* Judgment & Commitment, ECF No. 109.

Defendant now moves pro se for a reduction in his sentence under 18 U.S.C. § 3582(c)(2) and the retroactive effect of Amendment 821 to the Sentencing Guidelines. *See* U.S.S.G.

1 § 4C1.1(a) (Nov. 1, 2023); Mot., ECF No. 87. The court referred the matter to the Federal
2 Defender's Office and set a briefing schedule under General Order 670. *See* Min. Order, ECF
3 No. 124. The Federal Defender's Office did not assume representation. The government opposes
4 the motion. *See generally* Opp'n, ECF No. 127.

5 Section 4C1.1(a) provides for a reduction in the offense levels of defendants who meet
6 several criteria, including that "the defendant did not receive any criminal history points from
7 Chapter Four, Part A." U.S.S.G. § 4C1.1(a)(1). Defendant received one criminal history point.
8 *See* PSR at 8–9. For that reason, he is not eligible for a retroactive reduction under 18 U.S.C.
9 § 3582(c)(2), and his motion is **denied**. *See Dillon v. United States*, 560 U.S. 817, 827 (2010).

10 This order resolves ECF No. 123.

11 IT IS SO ORDERED.

12 DATED: May 30, 2024.

13 

CHIEF UNITED STATES DISTRICT JUDGE